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**UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION**

IN RE: DA VINCI SURGICAL
 ROBOT ANTITRUST LITIGATION

Case No.: 3:21-cv-03825-AMO-LB

Case No.: 3:21-cv-03496-AMO-LB

THIS DOCUMENT RELATES TO:
 ALL ACTIONS

**JOINT STIPULATION AND [PROPOSED]
 ORDER TO MODIFY PROTECTIVE ORDER**

Judge: The Honorable Araceli Martínez-Olguín

SURGICAL INSTRUMENT SERVICE
 COMPANY, INC.,

Plaintiff/

Counterclaim-Defendant

vs.

INTUITIVE SURGICAL, INC.,

Defendant/

Counterclaimant.

Pursuant to Paragraph 13.1 of the Stipulated Modified Protective Order entered on November 23, 2022 (Dkt. No. 109) in Lead Case No. 3:21-CV-03825-AMO-LB and entered on September 22, 2023 (Dkt. No. 197) in Case. No. 3:21-cv-03496-AMO-LB (hereinafter “Protective Order”), Plaintiffs Larkin Community Hospital, Franciscan Alliance, Inc., and King County Public Hospital District No. 1 (the “Hospital Plaintiffs”), Plaintiff Surgical Instrument Service Company, Inc. (“SIS”), and Defendant Intuitive Surgical, Inc. (“Intuitive”) hereby stipulate to modify the Protective Order to replace one of the Intuitive in-house attorneys named in the Protective Order. The Parties have attached a declaration explaining why this new amendment deviates from the model order, pursuant to pages 7-8 of the Court’s standing order for civil cases. Also attached as Exhibit 1 is a clean version of the Stipulated Modified Protective Order incorporating all the changes identified below.

The amendment to the Proposed Order is listed below. Additions are marked in **red and bolded**, and deletions are marked with strikethrough.

Paragraph 7.3 is modified as follows:

7.3 Disclosure of “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY,” “HIGHLY CONFIDENTIAL – OUTSIDE COUNSELS’ EYES ONLY,” and/or “PROTECTED HEALTH INFORMATION” Information or Items. Unless otherwise ordered by the Court or permitted in writing by the Designating Party or Non-Party, a Receiving Party may disclose any information or item designated “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY,” “HIGHLY CONFIDENTIAL – OUTSIDE COUNSELS’ EYES ONLY,” and/or “PROTECTED HEALTH INFORMATION” only to the people and entities permitted to receive “CONFIDENTIAL” information as designated in paragraph 7.2 and in accordance with the requirements set forth in the paragraph, except that “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY,” “HIGHLY CONFIDENTIAL – OUTSIDE COUNSELS’ EYES ONLY,” and/or “PROTECTED HEALTH INFORMATION” information or items shall not be disclosed to the Receiving Party or a Receiving Party’s officers, directors, managers, and employees, including In-House Counsel. Any summaries, abstracts, digests or analyses of “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” Information prepared by an individual listed in Sections 7.2(A) or (C) may also be shared with certain in-house counsel for the parties provided that (1)

customer identifiable information or other competitively sensitive information is redacted from any such summaries, abstracts, digests or analyses and (2) each such in-house attorney shall sign the Acknowledgement. The in-house counsel who may review such redacted analyses are the following: ~~Scott Mosko~~ **Gary Loeb** and Kara Andersen Reiter from Intuitive, W. Patrick Downes from Franciscan Alliance and David Smith from Public Hospital District No 1 of King County d/b/a Valley Medical. For the avoidance of doubt, "HIGHLY CONFIDENTIAL – OUTSIDE COUNSELS' EYES ONLY" information may not be disclosed to the Receiving Party or a Receiving Party's officers, directors, managers, and employees, including In-House Counsel, even in such a redacted summary format.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

DATED: December 6, 2023

By: /s/ Kathryn E. Cahoy

KATHRYN E. CAHOY

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ATTESTATION PER LOCAL RULE 5-1(i)(3)

The e-filing attorney hereby attests that concurrence in the filing of the document has been obtained from each of the other signatories indicated by a conformed signature (/s/) within this e-filed document.

DATED: December 6, 2023

By: /s/ Kathryn E. Cahoy

KATHRYN E. CAHOY

Attorney for Intuitive Surgical, Inc.

[PROPOSED] ORDER

It is hereby ordered that the Protective Order is modified as set forth above.

IT IS SO ORDERED.

DATED: _____, 2023

By: /s/
The Honorable Araceli Martínez-Olguín
United States District Court Judge

CERTIFICATE OF SERVICE

I, Kathryn E. Cahoy, hereby certify that I caused to be filed electronically a true and correct copy of the foregoing document via the Northern District of California's ECF on December 6, 2023

By: /s/ Kathryn E. Cahoy
KATHRYN E. CAHOY

Attorney for Intuitive Surgical, Inc.